

REMARKS

Claims 1-36 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Brittan, et al., (U.S. 6,725,199 B2) (hereinafter Brittan) in view of Freire, *et al*, (*WebViews: Accessing Personalized Web Content and Services*, Proceedings of the 10th International Conference on World Wide Web, May 2001, ACM Press, p. 576-586) (hereinafter Freier). As will be shown below, neither Brittan nor Freire, either alone or in combination, teaches or suggests a method, system, or computer program product for differential dynamic content delivery as claimed in the present application. Claims 1-36 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-36.

Claim Rejections – 35 USC § 101

The Office Action at page 2 states:

Claims 1-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In regard to independent claims 1 and 13, claims 1 and 13 are non-statutory because they claim nonfunctional description material and represent abstract ideas...

Applicants in response have amended the claims to recite methods embodied on computer media. Applicants also note in response that at least the following steps of claim 1 and their counterparts in other claims of the present invention:

selecting from the session structured document a classified structural element in dependence upon user classifications of a user participant in the presentation;

streaming speech to the user from one or more users participating in the presentation;

converting the speech to text;

detecting a total sound level for the user;

require the measurement of physical activities to be transformed outside a computer into computer data and manipulated signals corresponding to physical objects or activities external to the computer system, and where the process causes a physical transformation of the signals which are intangible representations of the physical objects or activities that fall within the safe harbor of MPEP § 2106 IV.B.2.i) for Manipulation of Data

Representing Physical Objects or Activities (Pre-Computer Process Activity). The user classifications typically are data representations of characteristics of users; streaming speech is data representing physical speech; converting speech to text is a physical transformation of a signal; and detecting a total sound level for a user is a measurement of a physical activity transformed into computer data.

Claim Rejections – 35 U.S.C. § 103

Claims 1-36 stand rejected under 35 U.S.C § 103(a) as unpatentable over Brittan in view of Freire. Applicants respectfully traverse each rejection. To establish a prima facie case of obviousness, three basic criteria must be met. *Manual of Patent Examining Procedure* §2142. The first element of a prima facie case of obviousness under 35 U.S.C. § 103 is that there must be a suggestion or motivation to combine the references. *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). The second element of a prima facie case of obviousness under 35 U.S.C. § 103 is that there must be a reasonable expectation of success in the proposed combination of the references. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097, 231 USPQ 375, 379 (Fed. Cir. 1986). The third element of a prima facie case of obviousness under 35 U.S.C. § 103 is that the proposed combination of the references must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

Brittan and Freire

Claims 1-36 stand rejected under 35 U.S.C § 103(a) as unpatentable over Brittan in view of Freire. The proposed combination of Brittan and Freire cannot establish a prima facie case of obviousness because the proposed combination does not teach each and every element of the claims of the present application, there is no suggestion or motivation to make the proposed combination, and there is no reasonable expectation of success in the proposed combination.

**The Combination Of Brittan and Freire
Does Not Teach all Of Applicants' Claim Limitations**

To establish a prima facie case of obviousness, the proposed combination of Brittan and Freire must teach or suggest all of Applicants' claim limitations. *In re Royka*, 490 F.2d

981, 985, 180 USPQ 580, 583 (CCPA 1974). Independent claim 1 of the present application claims:

1. A method for differential dynamic content delivery, the method comprising:
 - providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document;
 - selecting from the session structured document a classified structural element in dependence upon user classifications of a user participant in the presentation;
 - presenting the selected structural element to the user;
 - streaming speech to the user from one or more users participating in the presentation;
 - converting the speech to text;
 - detecting a total sound level for the user; and
 - determining whether to display the text in dependence upon the total sound level for the user.

Freire Neither Discloses Nor Suggests A Method For Differential Dynamic Content Delivery, The Method Comprising: Providing A Session Document For A Presentation, Wherein The Session Document Includes A Session Grammar And A Session Structured Document

Regarding the preamble and first element of claim 1, the Office Action at page 4 states:

Freire teaches a method of creating personalized content for web pages or services (p. 577, Col. 2, par. 2), for differential dynamic content delivery. Freire teaches providing a session document for a presentation, in which a

smart bookmark records and saves user browsing actions from the session in a structured document called a smart bookmark or web view (p. 578, Sect. 2.1; p. 579, fig. 2). Freire also teaches creating a session grammar for web views (p. 583, Fig. 6, Sect. 3.3; p. 584-585, Sect. 4.3). Freire also teaches encoding the smart bookmark as an XML document with XML grammar expressions.

The Office Action at page 4 states that Freire at p. 577, Col. 2, par. 2; p. 578, Sect. 2.1; p. 579, fig. 2; and p. 583, Fig. 6, Sect. 3.3; p. 584-585, Sect. 4.3 discloses:

A method for differential dynamic content delivery, the method comprising: providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document.

That is, the Office Action takes the position that Freire at p. 577, Col. 2, par. 2; p. 578, Sect. 2.1; p. 579, fig. 2; and p. 583, Fig. 6, Sect. 3.3; p. 584-585, Sect. 4.3 discloses the preamble and first element of claim 1. Applicants respectfully note in response, however, that what Freire at p. 577, Col. 2, par. 2; p. 578, Sect. 2.1; p. 579, fig. 2; and p. 583, Fig. 6, Sect. 3.3; p. 584-585, Sect. 4.3, in fact discloses is:

In general, it would be useful if one could *easily* create not only simple shortcuts, but different *views* of Web sites that are better suited to be accessed from different terminals. For wireless devices and voice interfaces, it would be useful to reduce the number of required interactions, and the amount of data input and transferred. For example, one could create a clipping template for searching for flights from Travelocity that would automatically login and navigate to the page where Juliana enters the details of her itinerary (with Newark automatically filled in as the departure airport by the system).

That is, at this reference point in Freire, Freire discloses the desirability of easily creating different views of Web sites better suited to be accessed from different kinds of terminals and also reduce the number of required interactions for users. The first element of claim 1, however, recites a providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document. The claimed presentation is a multimedia presentation with a presenter and a number of user

participants. The session document contains a grammar for a presentation session and a session markup document that organizes content for the presentation. The contents of the session structured document can be filtered into the session structured document in dependence upon user classifications and classification identifiers (per claim 6, claim 7, and the specification). In plainer language, therefore, the first element of claim 1 claims providing multimedia content for a multimedia presentation session where the content is determined according to characteristics of participants in the session. We make this lengthy description of the first element of claim 1 to aid our explanation of why Freire does not anticipate the first element of claim 1.

Freire's creating different views of Web sites better suited to be accessed from different kinds of terminals and reducing the number of required interactions for users neither discloses nor suggests providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document, as claimed in the present application. Freire's not disclosing or suggesting the first element of claim 1 means that the combination of Freire and Brittan does not disclose or suggest all the elements and limitations of Applicants' claims. Because the proposed combination of references does not disclose or suggest each and every element and limitation of applicants' claims, the proposed combination does not render Applicants' claims obvious. The Office Action cannot establish a prima facie case of obviousness, and the obviousness rejections of claims 1-36 should be withdrawn and the claims allowed.

Brittan Neither Discloses Nor Suggests Selecting From The Session Structured Document A Classified Structural Element In Dependence Upon User Classifications Of A User Participant In The Presentation; Presenting The Selected Structural Element To The User

Regarding the second and third elements of claim 1, the Office Action states:

Freire teaches a list of web view documents which depend on user created classifications, in response to a user identification, and presenting the

documents and selected structural elements, i.e., selected table rows, to the user via Voice XML (p. 582-583, Sect. 3.2)

The Office Action states that Freire at p. 582-583, Sect. 3.2 discloses:

Selecting from the session structured document a classified structural element in dependence upon user classifications of a user participant in the presentation; presenting the selected structural element to the user...

That is, the Office Action takes the position that Freire at p. 582-583, Sect. 3.2, discloses the second and third elements of claim 1 and its counterparts. What Freire at p. 582-583, Sect. 3.2, in fact discloses is:

Section 2 assumed the presence of transcoding proxies to enable access to various devices. Note, however, that the transcoding functionality can also be incorporated into the WebViews server ...

We have built an engine that transcodes clipped HTML content into VoiceXML. In what follows, we describe its architecture, and discuss how it can be combined with the WebViews server to create VoiceViews. ...

The current transcoding architecture is diagramed in Figure 5. The usage scenario is as follows. ...

Figure 6 shows the VoiceXML dialogue generated by our transcoder for the clipping (appropriately tidied) of the Yahoo! Car page shown in Figure 4. ...

That is, Freire at p. 582-583, Sect. 3.2, discloses that transcoding functionality can be on a WebViews server as well as a transcoding proxy, that the authors of Freire have built an HTML to VoiceXML transcoder, the transcoder's architecture, a usage example for the transcoder, and a VoiceXML dialogue generated by the transcoder from an HTML document. The second element of claim 1 in contrast with Freire, however, recites selecting from the session structured document a classified structural element in dependence upon user classifications of a user participant in the presentation as claimed in the present application. The user classifications may be characteristics of a user such as the user's department, the user's area and level of technical expertise, the user's

security clearance level, and so on. Selecting from the session structured document a classified structural element in dependence upon user classifications means that multimedia presentation content can be selected so as to present different content to different users during the same presentation session, depending upon these characteristics of the users. Different content is selected for a user with a high security clearance than is selected for presentation to a user with a low security clearance. Different content is selected for presentation to a user with high technical expertise than is selected for presentation to a user with low expertise. Different content is selected for a user from the engineering department than for a user from the marketing department. And so on. The selected structural element presented to a user in the third element of claim 1 and its counterparts in the present application is a selected structural element that was selected in dependence upon user classifications of the user participant to whom the content is presented, including, for example, the user's department, security clearance, expertise, and so on.

Freire's transcoding functionality on a WebViews server, HTML to VoiceXML transcoder, the transcoder's architecture, transcoder usage example, and example VoiceXML dialogue generated by the transcoder from an HTML document neither discloses nor suggests selecting from a session structured document a classified structural element in dependence upon user classifications of a user participant in the presentation nor presenting the selected structural element to the user as claimed in the present application. Freire's not disclosing or suggesting the second and third elements of claim 1 means that the combination of Freire and Brittan does not disclose or suggest all the elements and limitations of Applicants' claims. Because the proposed combination of references does not disclose or suggest each and every element and limitation of applicants' claims, the proposed combination does not render Applicants' claims obvious. The Office Action therefore cannot establish a prima facie case of obviousness, and the obviousness rejections of claims 1-36 should be withdrawn and the claims allowed.

Brittan Neither Discloses Nor Suggests Streaming Speech To The User From One Or More Users Participating In The Presentation; Converting The Speech To Text; Detecting A Total Sound Level For The User; And Determining Whether To Display The Text In Dependence Upon The Total Soundlevel For The User

Regarding the fourth, fifth, sixth and seventh elements of claim 1, the Office Action states:

...Brittan teaches a text to speech converter with plural speech synthesis engines (Summary) which converts speech to text and detects a background noise level for the user, determining whether to display the text format depending on the total noise level for the user (Col. 8, l. 34-Col. 9, l. 32-38).

The Office Action states that Brittan at (Col. 8, l. 34-Col. 9, l. 32-38) discloses:

Streaming speech to the user from one or more users participating in the presentation; converting the speech to text; detecting a total sound level for the user; and determining whether to display the text in dependence upon the total sound level for the user.

That is, the Office Action takes the position that Brittan at (Col. 8, l. 34-Col. 9, l. 32-38) discloses the fourth, fifth, and sixth elements of claim 1 and its counterparts. What Brittan actually discloses at (Col. 8, l. 34-Col. 9, l. 32-38) is:

Changing dialog style can also be effected for other reasons concerning the intelligibility of the speech heard by the user. Thus, if the user is in a noisy environment (for example, in a vehicle) then the system can be arranged to narrow and direct the dialogue, reducing the chance of misunderstanding. On the other hand, if the environment is quiet, the dialogue could be opened up, allowing for mixed initiative. To this end, the speech system is provided with a background analysis block 45 connected to sound input source 16 in order to analyze the input sound to determine whether the background is a noisy one; the output from block 45 is fed to the style selection block 46 to indicate to the latter whether background is noisy or quiet. It will be appreciated that the output of block 45 can be more fine grain than just two states. The task of the background analysis block 45 can be facilitated by (i) having the TTS 6 inform it when the latter is outputting speech (this avoids feedback of the sound output being misinterpreted as noise), and (ii) having the speech recognizer 5

inform the block 45 when the input is recognizable user input and therefore not background noise (appropriate account being taken of the delay inherent in the recognizer determining input to be speech input).

Where both intelligibility as measured by the confidence score output by the classifier and the level background noise are used to effect the selected dialog style, it may be preferable to feed the confidence score directly to the style selection block 45 to enable block 45 to use this score in combination with the background-noise measure to determine which style to set.

It is also possible to provide for user selection of dialog style.

Multi-modal output (FIG. 6)--more and more devices, such as third generation mobile appliances, are being provided with the means for conveying a concept using both voice and a graphical display. If confidence is low in the synthesized speech, then more emphasis can be placed on the visual display of the concept. For example, where a user is receiving travel directions with specific instructions being given by speech and a map being displayed, then if the classifier produces a low confidence score in relation to an utterance including a particular street name, that name can be displayed in large text on the display. In another scenario, the display is only used when clarification of the speech channel is required. In both cases, the display acts as a supplementary modality for clarifying or exemplifying the speech channel. FIG. 6 illustrates an implementation of such an arrangement in the case of a generalized supplementary modality (whilst a visual output is likely to be the best form of supplementary modality in most cases, other modalities are possible such as touch/feel-dependent modalities). In FIG. 6, the language generator 23 provides not only a text output to the TTS 6 but also a supplementary modality output that is held in buffer 48. This supplementary modality output is only used if the output of the classifier 41 indicates a low confidence in the current speech output; in this event, the CAC causes the supplementary modality output to be fed to the output constructor 28 where it is converted into a suitable form (for example, for display). In this embodiment, the speech output is always produced and, accordingly, the speech output buffer 44 is not required.

The supplementary modality can, in fact, be used as an alternative modality--that is, it substitutes for the speech output for a particular utterance rather than supplementing it. In this case, the speech output buffer 44 is retained and the CAC 43 not only controls output from the supplementary-modality output buffer 48 but also controls output from buffer 44 (in anti-phase to output from buffer 48).

That is, Brittan at this point discloses methods of changing dialog styles for speech output from text-to-speech conversions. According to Brittan, the changes in dialog style may be made according to background noise levels or according to user selection. And Brittan discloses that supplemental modalities such as graphical displays may be used in addition to speech output or as a substitute for speech output. Brittan does not teach or suggest that a supplemental modality such as a text display is to be added in dependence upon whether a background is noisy or quiet. Moreover, the fact that Brittan uses background noise to change dialog styles would not suggest to a person of skill in the art that background noise could be used to add a supplemental modality. A graphic modality such as text display, for example, might just as well be determined useful because of ambient light levels. In fact, by mentioning background noise expressly as a basis for style changes and pointedly not mentioning it with respect to supplemental modalities, Brittan effectively teaches away from the use of background noise levels as a basis for administration of supplemental modalities.

Moreover, Brittan is concerned only with multiple styles of dialog speech synthesis as delivered to a single user. All the speech delivered in Brittan is delivered directly from a speech synthesis engine to a user, not from one user to another user. Brittan has no concern, no teaching or suggestion, regarding multimedia presentations to multiple users nor with streaming speech to one user from other users participating in a presentation as claimed in the fourth element of the present application: “streaming speech to the user from one or more users participating in the presentation.”

For all these reasons, Brittan cannot be said to teach or suggest “determining whether to display the text in dependence upon the total sound level for the user” as claimed here. The Office Action therefore cannot establish a prima facie case of obviousness, the rejections of claims 1-36 should be withdrawn, and the claims allowed.

No Suggestion or Motivation to Modify Brittan

To establish a prima facie case of obviousness, there must be a suggestion or motivation to modify Brittan. *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). The suggestion or motivation to modify Brittan must come from the teaching of the references themselves, and the Examiner must explicitly point to the teaching within the references, or to knowledge of those of skill in the art, suggesting the proposed modification. Absent such a showing, the Examiner has impermissibly used “hindsight” occasioned by Applicants’ own teaching to reject the claims. *In re Surko*, 11 F.3d 887, 42 U.S.P.Q.2d 1476 (Fed. Cir. 1997); *In re Vaeck*, 947 F.2d 488m 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re Gorman*, 933 F.2d 982, 986, 18 U.S.P.Q.2d 1885, 1888 (Fed. Cir. 1991); *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); *In re Laskowski*, 871 F.,2d 115, 117, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989).

There can be no suggestion or motivation to combine in this case because neither reference is concerned with differential content delivery in dependence upon user characteristics. Moreover, it would never occur to a person of skill in the art to combine the references to achieve differential content delivery in dependence upon user characteristics because combining them would not achieve differential content delivery in dependence upon user characteristics – because neither reference addresses the subject in any way. Neither reference is concerned in any way with differential delivery of content based upon user characteristics. Brittan discloses a speech synthesizer with two or more synthesis engines providing various styles of dialog, with a dialog style selected according to quality of speech form utterance and the like; Brittan makes no mention or suggestion whatsoever of tailoring content according to characteristics or classifications of users. Freire is concerned with easing web site access; Freire is not concerned with multimedia presentations, and Freire neither teaches nor suggests tailoring content according to characteristics or classifications of users. That is, neither reference discloses or suggests any aspect of differential content delivery in dependence upon user characteristics. It would never occur to a person of skill in the art to combine them

because combining references cannot produce something that is present in neither reference.

**Both Brittan And Freire Are Non-Analogous Art And Therefore
Unavailable As References Against The Present Application**

The field of endeavor in the present application is generally differential dynamic content delivery, and particularly differential dynamic content delivery for multimedia presentations based upon classifications of users with text display in dependence upon sound level. Brittan is about a speech synthesizer with two or more synthesis engines providing various styles of dialog, with a dialog style selected according to quality of speech form utterance and the like. Freire is concerned with easing web site access. An inventor concerned with differential dynamic content delivery for multimedia presentations based upon classifications of users would not be reasonably expected to examine the art for references dealing with speech synthesizer dialog selection or easing web site access. Both Brittan and Freire therefore are non-analogous and not available as references against the present application under 35 U.S.C § 103.

Relations Among Claims

Independent claim 1 claims method for differential dynamic content delivery according to embodiments of the present invention. Independent claims 13 and 25 respectively claim system and computer program product aspects of differential dynamic content delivery according to embodiments of the present invention. Claim 1 is allowable for the reasons set forth above. Claims 13 and 25 are allowable because claim 1 is allowable. The rejections of claims 13 and 25 therefore should be withdrawn, and claims 13 and 25 should be allowed.

Claims 2-12, 14-24, and 26-36 depend respectively from independent claims 1, 13, and 25. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because the combination of Brittan and Freire does not establish a prima facie case of obviousness for the independent claims, so also the combination of

Brittan and Freire does not establish a prima facie case of obviousness for any dependent claim. The rejections of Claims 2-12, 14-24, and 26-36 therefore should be withdrawn, and these claims also should be allowed.

Conclusion

Claims 1-36 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over in view of Brittan. For the reasons set forth above, however, the proposed modification of Freire in view of Brittan fails to establish a prima face case of obviousness. The rejection of claims 1-36 should therefore be withdrawn, and the claims should be allowed. Reconsideration of claims 1-36 in light of the present remarks is respectfully requested.


One-Month Extension of Time

Applicants hereby petitions the Commissioner for Patents pursuant to 37 C.F.R 1.136(a) to extend the time and enclose a two original Petition for Extension of Time forms with a check no. 1261 in the amount of \$120.00 for the extension of time fee. The Commissioner is hereby authorized to charge or credit Deposit Account No. 50-3082 for any fees required or overpaid.

Respectfully submitted,

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